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<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing      OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	<b>Attorney Docket Number</b>	ESPN 9004 CIP
	<b>First Named Inventor</b>	Wendi V. Rodriguez
	<b>COMPLETE IF KNOWN</b>	
	<b>Application Number</b>	09 / 924,222
	<b>Filing Date</b>	August 7, 2001
	<b>Group Art Unit</b>	1615
	<b>Examiner Name</b>	

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As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**LIPOSOMAL COMPOSITIONS, AND METHODS OF USING LIPOSOMAL  
COMPOSITIONS TO TREAT DISLIPIDEMIAS**

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 08/07/2001

as United States Application Number or PCT International

Application Number 09/924,222 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/005,090	10/11/1995	

[Page 1 of 2]

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ESPN 9004 CIP

078231/00001

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# DECLARATION Utility or Design Patent Application

Direct all correspondence to:

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or Bar Code Label

OR ☒ Correspondence address below

Name Patrea L. Pabst; Holland & Knight LLP

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Address Suite 2000, One Atlantic Center

Address 1201 West Peachtree Street, N.E.

City Atlanta

State GA

ZIP 30309-3400

Country USA

Telephone (404) 817-8473

Fax (404) 817-8588

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name Wendi V.  
(first and middle [if any])

Family Name Rodriguez  
or Surname

Inventor's  
Signature

*Wendi V. Rodriguez*

Sept 27th 2001  
Date

Residence: City Ann Arbor

State MI

Country USA

Citizenship CA

Mailing Address 2148 Vail Court

Mailing Address

City Ann Arbor

State Michigan

ZIP 48108

Country USA

NAME OF SECOND INVENTOR:

☒ A petition has been filed for this unsigned inventor

Given Name Kevin Jon  
(first and middle [if any])

Family Name Williams  
or Surname

Inventor's  
Signature

Date

Residence: City Wynnewood

State PA

Country USA

Citizenship US

Mailing Address 425 Wister Road

Mailing Address

City Wynnewood

State Pennsylvania

ZIP 19096

Country USA

☒ Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

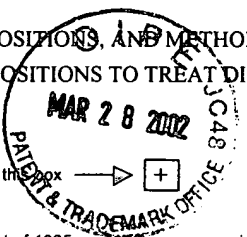
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Title: LIPOSOMAL COMPOSITIONS, AND METHODS OF USING  
LIPOSOMAL COMPOSITIONS TO TREAT DISLIPIDEMIAS

Filed: August 7, 2001

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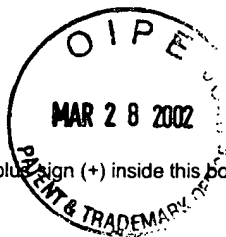
<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S)</b> <b>Supplemental Sheet</b> Page <u>1</u> of <u>1</u>
--------------------	---

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Michael J.		Hope	
Inventor's Signature <i>M. J. Hope</i>		Date Oct. 19 <sup>th</sup> , 2001	
Residence: City Vancouver	State British Columbia	Country CANADA	Citizenship CA
Mailing Address 3550 West 11th Avenue			
Mailing Address			
City Vancouver	State British Columbia	ZIP V6R 2K2	Country CANADA
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	ZIP	Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	ZIP	Country

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## POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	09/924,222
Filing Date	August 7, 2001
First Named Inventor	Wendi V. Rodriguez
Title	LIPOSOMAL COMPOSITIONS AND METHODS OF USING LIPOSOMAL COMPOSITIONS TO TREAT DISLIPIDEMIAS
Group Art Unit	1615
Examiner Name	
Attorney Docket Number	ESPN 2004

I hereby appoint:

☐ Practitioners at Customer Number

OR

☒ Practitioner(s) named below:

Place Customer  
Number Bar Code  
Label here

Name	Registration Number
Patrea L. Pabst	31,284
Zhaoyang Li	46,872
Rivka D. Monheit	48,731
Jerome R. Smith	35,684

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number

OR

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Number Bar Code  
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<input checked="" type="checkbox"/> Firm or Individual Name	Patrea L. Pabst; Holland & Knight LLP				
Address	Suite 2000, One Atlantic Center				
Address	1201 West Peachtree Street, N.E.				
City	Atlanta	State	GA	Zip	30309-3400
Country	USA				
Telephone	(404) 817-8473	Fax	(404) 817-8588		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

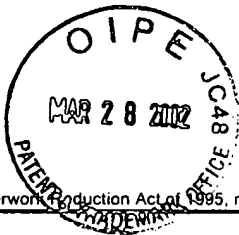
### SIGNATURE of Applicant or Assignee of Record

Name	The University of British Columbia
Signature	
Date	March 12/02

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 2 forms are submitted.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Wendi V. Rodriguez, Kevin Jon Williams, and Michael J. Hope

Application No./Patent No.: 09/924,222 Filed/Issue Date: August 7, 2001

Entitled: LIPOSOMAL COMPOSITIONS, AND METHODS OF USING LIPOSOMAL COMPOSITIONS TO TREAT DISLIPIDEMIAS

The University of British Columbia, a University

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

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1. ☐ the assignee of the entire right, title, and interest; or
2. ☒ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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2. From: \_\_\_\_\_ To: \_\_\_\_\_  
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3. From: \_\_\_\_\_ To: \_\_\_\_\_  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

March 28, 2002  
Date

David P. Jones  
Typed or printed name  
David P. Jones  
Signature  
Associate Director  
Title

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## ASSIGNMENT

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---

We, Wendi V. Rodriguez of 2148 Vail Court, Ann Arbor, Michigan 48108, and Michael J. Hope of 3550 West 11th Avenue, Vancouver, British Columbia V6R 2K2 CANADA, in consideration of ten dollars and other valuable consideration paid to us by The University of British Columbia, a university of CANADA, having its principal place of business at 2194 Health Sciences Mall, Vancouver, British Columbia V6T 1Z3 CANADA, the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said The University of British Columbia (the "University"), its successors and assigns, our undivided joint interest for the United States of America, and its territories and all foreign countries and jurisdictions, including all rights of priority under the International Convention for the Protection of Industrial Property, in a certain invention or improvement in "*Liposomal Compositions, and Methods of Using Liposomal Compositions to Treat Dislipidemias*" described in U.S. Serial No. 09/924,222 filed in the United States Patent and Trademark Office on August 7, 2001, by Wendi V. Rodriguez, Kevin Jon Williams, and Michael J. Hope, which is a continuation-in-part of U.S. Serial No. 09/322,336 filed in the United States Patent and Trademark Office on May 28, 1999, which is a continuation of U.S. Serial No. 09/175,553 filed October 20, 1998, now U.S. Patent No. 6,139,871, which is a continuation of U.S. Serial No. 08/507,170 filed July 26, 1995, now abandoned, which is a continuation of U.S. Serial No. 08/206,415 filed March 4, 1994, now abandoned; and which is also a continuation-in-part of U.S. Serial No. 09/071,974 filed May 4, 1998, which is a divisional of U.S. Serial No. 08/728,766 filed in the United States Patent and Trademark Office on October 11, 1996, now U.S. Patent No. 5,746,223, which claims priority to U.S. Provisional Application Serial No. 60/005,090 filed in the United States Patent and Trademark Office on October 11, 1995, and in all Letters Patent of the United States and its territories and all foreign countries and jurisdictions which may or shall be granted on said invention, or any parts thereof, or on said application, or any provisional, divisional, continuation, continuation-in-part, reissue, or other applications based in whole or in part thereon. And we agree, for ourselves and our executors and administrators, with said University and its successors and assigns, but at its or their expense or charges, hereafter to execute all applications, amended specifications, deeds or other instruments, and to do all acts necessary or proper to secure the grant of Letters Patent in the United States and its territories and in all other foreign countries and jurisdictions to said University, with specifications and claims in such form as shall be approved by the counsel of said University, and to vest and confirm in said University, its successors and assigns, the legal title to all such patents.

Title: *"Liposomal Compositions, and Methods of Using  
Liposomal Compositions to Treat Dislipidemias"*  
By: Wendi V. Rodriguez, Kevin Jon Williams,  
and Michael J. Hope  
U.S.S.N.: 09/924,222  
Filed: August 7, 2001  
ASSIGNMENT

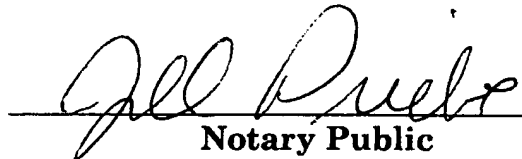
And we do hereby authorize and request the Commissioner of  
Patents and Trademarks of the United States to issue such Letters Patent  
as shall be granted upon said application or applications based thereon to  
said University, its successors and assigns.

WITNESS my hand and seal this 27th day of September,  
2001.

  
Wendi V. Rodriguez

State of Michigan )  
County of Washtenaw )

Then personally appeared the above named Wendi V. Rodriguez  
and acknowledged the foregoing instrument to be her free act and deed,  
before me this 27th day of September, 2001.

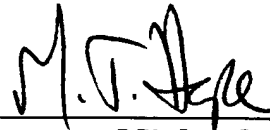
  
Notary Public

My Commission expires: 10/07/05

Title: "Liposomal Compositions, and Methods of Using  
Liposomal Compositions to Treat Dislipidemias"  
By: Wendi V. Rodriguez, Kevin Jon Williams,  
and Michael J. Hope  
U.S.S.N.: 09/924,222  
Filed: August 7, 2001  
ASSIGNMENT

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WITNESS my hand and seal this 19<sup>th</sup> day of October, 2001,  
2001.



Michael J. Hope

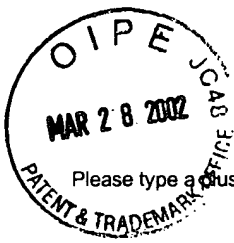
Witnesses:

1. Signed: L. Ahkang  
Printed Name: LAVAL AHKONG  
Address: Inex Pharmaceuticals.

2. Signed: Barbara Mui  
Printed Name: Barbara Mui  
Address: Inex Pharmaceuticals

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## POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	09/924,222
Filing Date	August 7, 2001
First Named Inventor	Wendi V. Rodriguez
Title	LIPOSOMAL COMPOSITIONS AND METHODS OF USING LIPOSOMAL COMPOSITIONS TO TREAT DISLIPIDEMIAS
Group Art Unit	1615
Examiner Name	
Attorney Docket Number	ESPN 2004

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**OR**

- ☒ Practitioner(s) named below:

Name	Registration Number
Patrea L. Pabst	31,284
Zhaoyang Li	46,872
Rivka D. Monheit	48,731
Jerome R. Smith	35,684

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

- ☐ The above-mentioned Customer Number.

**OR**

- ☐ Practitioners at Customer Number  → 

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**OR**

<input checked="" type="checkbox"/> Firm or Individual Name	Patrea L. Pabst; Holland & Knight LLP				
Address	Suite 2000, One Atlantic Center				
Address	1201 West Peachtree Street, N.E.				
City	Atlanta	State	GA	Zip	30309-3400
Country	USA				
Telephone	(404) 817-8473	Fax	(404) 817-8588		

I am the:

- ☐ Applicant/Inventor.

- ☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

### SIGNATURE of Applicant or Assignee of Record

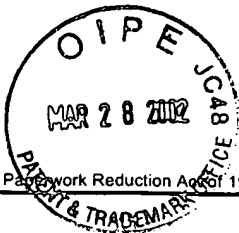
Name	Esperion LUV Development, Inc.
Signature	<i>Roger S. Johnston</i>
Date	March 12, 2002

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 2 forms are submitted.

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Wendi V. Rodriguez, Kevin Jon Williams, and Michael J. Hope  
Application No./Patent No.: 09/924,222 Filed/Issue Date: August 7, 2001  
Entitled: LIPOSOMAL COMPOSITIONS, AND METHODS OF USING LIPOSOMAL COMPOSITIONS TO TREAT DISLIPIDEMIAS  
Esperion LUV Development, Inc., a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or  
2. ☒ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

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in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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2. From: \_\_\_\_\_ To: \_\_\_\_\_  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:]** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

March 12, 2002  
Date

Roger S. Newton, Ph.D.

Typed or printed name

Roger S. Newton  
Signature

President

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

ASSIGNMENT

I, Kevin Jon Williams, of 425 Wister Road, Wynnewood, Pennsylvania 19096, for good and valuable consideration paid to me by Esperion LUV Development, Inc., a corporation of the state of Delaware, having its principal place of business at 3621 South State Street, Ann Arbor, Michigan 48108, the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said Esperion LUV Development, Inc., its successors and assigns, my entire interest for the United States of America and its territories and all foreign countries and jurisdictions, including all rights of priority under the International Convention for the Protection of Industrial Property, in a certain invention or improvement in "*Liposomal Compositions, and Methods of Using Liposomal Compositions to Treat Dislipidemias*" described and claimed in U.S. Patent Application No. 09/924,222 filed in the United States Patent and Trademark Office on August 7, 2001, by Wendi V. Rodriguez, Kevin Jon Williams, and Michael J. Hope, which is a continuation-in-part of U.S. Patent Application No. 09/322,336 filed in the United States Patent and Trademark Office on May 28, 1999, which is a continuation of U.S. Patent Application No. 09/175,553 filed October 20, 1998, now U.S. Patent No. 6,139, 871, which is a continuation of U.S. Patent Application Number 08/507,170 filed July 26, 1995, now abandoned, which is a continuation of U.S. Patent Application No. 08/206,415 filed March 4, 1994, now abandoned; and which is also a continuation-in-part of U.S. Patent Application No. 09/071,974 filed May 4, 1998, which is a divisional of U.S. Patent Application No. 08/728,766 filed in the United States Patent and Trademark Office on October 11, 1996, now U.S. Patent No. 5,746,223, which claims priority to U.S. Provisional Patent Application No. 60/005,090 filed in the United States Patent and Trademark Office on October 11, 1995, and in all Letters Patent of the United States and its territories and all foreign countries and jurisdictions which may or shall be granted on said invention, or any parts thereof, or on said application, or any provisional, divisional, continuation, continuation-in-part, reissue, or other applications based in whole or in part thereon.

ASSIGNMENT

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ORIGINALLY FILED

WITNESS my hand and seal this 28<sup>th</sup> day of January, 2002.

*Kevin Jon Williams*  
Kevin Jon Williams

Commonwealth of Pennsylvania )

County of Montgomery )

Then personally appeared the above named Kevin Jon Williams and acknowledged the foregoing instrument to be his free act and deed, before me this 28<sup>th</sup> day of January, 2002.

*Mary A. Madonna*  
Notary Public

My Commission expires: \_\_\_\_\_

NOTARIAL SEAL  
MARY A. MADONNA, Notary Public  
Upper Providence Twp., Delaware Co.  
My Commission Expires June 17, 2004